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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,475	08/22/2001	Mark W. Hendricksen	Radpat	8985

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Mark W. Hendricksen
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EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 04/09/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,475

Applicant(s)

HENDRICKSEN, MARK W.

Examiner

JOHN J LEE

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation "broadcast services identifier"(116 in Fig. 2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 – 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto (US Patent number 6,697,631) in view of Van Ryzin (US Patent number 6,011,854).

Regarding **claim 1**, Okamoto discloses that radio apparatus (Fig. 1). Okamoto teaches that an outer encasement (20 in Fig. 1 and 2) (column 6, lines 9 – 47). Okamoto teaches that a radio signal receiver (10 in Fig. 1, 2) secured relative to the outer encasement (column 6, lines 9 – 63 and Fig. 2) and configured to receive at least one of radio signals (column 2, lines 9 – 49 and Fig. 1, 2, where teaches receiver attached an

encasement for protecting radio components and receives broadcast radio waves (band or frequencies)). Okamoto teaches that an audio output (18 in Fig. 1) operatively connected to the radio signal receiver (abstract and Fig. 1). Okamoto teaches that wherein the audio output may be limited to a predetermined radio signal frequency (tuner (12) can be tuned specific limiting radio signal frequency) representing broadcast services of a radio station (Fig. 1, 2 and column 11, lines 41 – column 12, lines 3).

Okamoto does not specifically disclose the limitation “configured to receive at least one of AM and FM radio signals”. However, Van Ryzin discloses the limitation “configured to receive at least one of AM and FM radio signals” (Fig. 1 and column 2, lines 52 – column 3, lines 17, where teaches a Radio section (AM/FM receiver) provides output signals to the switch controller). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Okamoto system as taught by Van Ryzin. The motivation do so would be to achieve efficient controlling to select receiving radio signals for providing the broadcast service in communication system.

Regarding **claims 2, 14, and 28**, Okamoto discloses that the outer encasement defines a promotional identifier of one of broadcast services and non-broadcast services (Fig. 1, 2column 6, lines 15 – 67).

Regarding **claims 3, 15, and 29**, Okamoto discloses that a promotional identifier of one of broadcast services (broadcast radio services) and non-broadcast services (position information, map information) is operatively attached to the outer encasement (column 3, lines 8 – column 4, lines 67 and Fig. 1, 5).

Regarding **claims 4, 16, and 30**, Okamoto discloses that the outer encasement defines a promotional identifier of one of broadcast services and non-broadcast services and further includes a promotional identifier of the other of broadcast services and non-broadcast services (column 3, lines 8 – column 4, lines 67 and Fig. 1, 5).

Regarding **claims 5 and 31**, Okamoto discloses that the radio signal receiver is configured to only receive the broadcast signal of a pre-determined frequency, representing broadcast services of the radio station (Fig. 1, 2 and column 11, lines 41 – column 12, lines 3).

Regarding **claims 6 and 32**, Okamoto discloses that the radio signal receiver is configured to multiple broadcast signals of different frequencies, and the audio output is configured to only output radio signals received of the pre-determined frequency, representing broadcast services of the radio station (Fig. 1, 5, column 11, lines 41 – column 12, lines 3, and column 3, lines 8 – column 4, lines 67).

Regarding **claims 7 and 33**, Okamoto discloses that the audio output is set to only output radio signals received of the predetermined frequency through a mechanical setting (user ca tune by tuner) of the audio output to the predetermined radio station (Fig. 1, 5, column 11, lines 41 – column 12, lines 3, and column 3, lines 8 – column 4, lines 67).

Regarding **claims 8 and 34**, Okamoto discloses that the audio output is set to only output radio signals received of the predetermined frequency (as user tuned to set a specific frequency, receives only the station's signal for output) through an electronic

setting of the audio output to the predetermined radio station (Fig. 1, 5, column 11, lines 41 – column 12, lines 3, and column 3, lines 8 – column 4, lines 67).

Regarding **claim 9**, Okamoto discloses that the audio output is limited to a predetermined radio signal frequency representing broadcast services of a radio station by locating a frequency tuner in the outer encasement such that once the tuner is set to a pre-determined radio signal frequency representing broadcast services of a radio station and the outer encasement closed (once user sets to tune at the specific frequency and the user can only listen the broadcast service of the specific frequency), the tuner is not normally accessible by a user of the radio apparatus (column 3, lines 8 – column 4, lines 67, Fig. 1, 5, and column 11, lines 41 – column 12, lines 3).

Regarding **claim 10**, Okamoto and Van Ryzin disclose all the limitation, as discussed in claim 1. Furthermore, Okamoto further discloses that an antenna (11, 21 in Fig. 2) secured relative to the outer encasement (Fig. 2, column 7, lines 43 – 63, and column 9, lines 30 - 40). Okamoto teaches that a tuner (12 in Fig. 1) operatively connected to the antenna configured to only receive one of a pre-determined radio signal frequency from the antenna (Fig. 1 and column 7, lines 43 – column 8, lines 6). Okamoto teaches that a demodulator (12 in Fig. 1) disposed to receive the radio signal from the antenna (Fig. 1 and abstract). Okamoto teaches that an amplifier (inherently the device has an amplifier connecting to audio output as like shown in Van Ryzin system) operatively connected to the demodulator to receive the radio signal from the demodulator and to create an amplified radio signal (Fig. 1 and column 7, lines 43 – column 8, lines 6). Okamoto teaches that an audio output (18 in Fig. 1) operatively

connected to the amplifier to receive the amplified radio signal from the demodulator (Fig. 1 and column 7, lines 43 – column 8, lines 6).

Regarding **claim 11**, Okamoto discloses that the audio output represents the broadcast services of one radio station (Fig. 1 and column 8, lines 24 – 30).

Regarding **claim 12**, Okamoto discloses that the demodulator is a diode (Fig. 1 and column 7, lines 43 – column 8, lines 6).

Regarding **claims 13 and 20**, Okamoto discloses that the radio apparatus is miniature (Fig. 2 and column 6, lines 40 – 65).

Regarding **claim 17**, Okamoto and Van Ryzin disclose all the limitation, as discussed in claims 1 and 10.

Regarding **claim 18**, Okamoto discloses that the tuner is configured to only receive one of a pre-determined AM and FM radio signal frequency from the antenna with an electronic tuner lock (Fig. 1 and column 7, lines 43 – column 8, lines 6).

Regarding **claim 19**, Okamoto and Van Ryzin disclose all the limitation, as discussed in claims 1 and 10. Furthermore, Okamoto further discloses that distributing the radio apparatus to one of existing and prospective listeners of the source (broadcasting the services for users) of the radio broadcast services being promoted (providing the services), thereby promoting the broadcast services (column 16, lines 23 – column 17, lines 15 and Fig. 5, 9).

Regarding **claim 21**, Okamoto discloses that the promotional element is an indicia which indicates the source of the broadcast services (column 3, lines 8 – column 4, lines 67 and Fig. 1, 5).

Regarding **claim 22**, Okamoto discloses that the encasement further includes a second promotional element which is an indicia from a non-broadcast advertiser (column 3, lines 8 – column 4, lines 67, Fig. 1, 9, and column 11, lines 17 – 56).

Regarding **claim 23**, Okamoto discloses that the promotional element is an indicia which indicates the source of nonbroadcast services (column 3, lines 8 – column 4, lines 67 and Fig. 1, 5).

Regarding **claim 24**, Okamoto and Van Ryzin disclose all the limitation, as discussed in claims 1 and 2.

Regarding **claim 25**, Okamoto discloses that the broadcast services are those of a non-profit organization (a broadcast station can be public or religious station) (column 3, lines 8 – column 4, lines 67 and Fig. 1, 5).

Regarding **claim 26**, Okamoto discloses that the broadcast services are related to broadcasting of games of a sports team (column 16, lines 22 – column 17, lines 15 and Fig. 5).

Regarding **claim 27**, Okamoto and Van Ryzin disclose all the limitation, as discussed in claims 1 and 9.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schwob (US Patent number 5,732,338) discloses Broadcast Receiver Capable of Autonomous Format-Scanning, Program Identification and Searching.

Art Unit: 2684

Briskman (US patent number 6,023,616) discloses Satellite Broadcast Receiver System.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on **(703) 308-7745**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L.
April 3, 2004

John J Lee


NICK CORSARO
PATENT EXAMINER